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THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

THE REGENTS OF THE UNIVERSITY OF
 CALIFORNIA,

Plaintiff,

v.

MICRO THERAPEUTICS, INC., a Delaware
 corporation, DENDRON GmbH, a German
 corporation, and ev3 INC., a Delaware
 corporation,

Defendants,

MICRO THERAPEUTICS, INC., a Delaware
 corporation, and DENDRON GmbH, a German
 corporation,

Third Party Plaintiffs,

v.

BOSTON SCIENTIFIC CORPORATION,
 a Delaware corporation, and TARGET
 THERAPEUTICS, INC. a Delaware corporation,

Third Party Defendants.

Case No. C 03 05669 JW (RS)

**STIPULATION AND [PROPOSED] ORDER
 TO CONTINUE PLAINTIFF'S MOTION
 FOR SUMMARY JUDGMENT OF
 NON-INFRINGEMENT AND MOTION FOR
 PARTIAL SUMMARY ADJUDICATION OF
 INFRINGEMENT AND DEFENDANTS'
 CROSS-MOTION FOR SUMMARY
 JUDGMENT OF NON-INFRINGEMENT**

[Civ. L.R. 6-2]

Pursuant to Civil Local Rule 6-2, Plaintiff and Cross-Defendant The Regents of the University of California ("The Regents") hereby respectfully requests an order extending by one day the June 26, 2007 hearing date associated with Plaintiff's MOTION FOR SUMMARY JUDGMENT OF INFRINGEMENT OF CLAIM 4 OF U.S. PATENT NO. 5,122,136 AND CLAIMS 11, 12, 13, AND 16 OF U.S. PATENT NO. 5,855,578 (hereinafter "Plaintiff's Motion for Summary Judgment"), and Defendants' CROSS-MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT (hereinafter "Defendants' Cross-Motion"). Defendants, Cross-Complainants, and Third Party Plaintiffs Micro Therapeutics, Inc., Dendron GmbH, and ev3 Inc., and Third Party Defendants Boston Scientific Corporation and Target Therapeutics, Inc., have stipulated to The Regents' request.

The reason for the request for the June 27 hearing date is due to the fact that lead counsel for The Regents will be attending a mandatory settlement conference in an unrelated action. Thus, they will be unable to attend or otherwise participate in the hearing currently set for June 26, 2007. *See* accompanying Declaration of Patrick E. Premo ("Premo Decl.") ¶ 4. Given the dispositive nature of the two motions, it is imperative that lead counsel be present to argue the motions.

The Court on its own motion had set the June 26, 2007 hearing date in response to MTI's Cross-Motion and Motion to Shorten Time filed on May 15, 2007. The parties have made no other requests to change the date of the pending Motion and Cross-Motion for Summary Judgment. *Id.* at 4. No other Court deadlines will be affected by this request. *Id.*

IT IS HEREBY STIPULATED AND AGREED Plaintiff's Motion for Summary Judgment and Defendants' Cross-Motion for Summary Judgment will be continued from June 26, 2007 until June 27, 2007.

IT IS SO STIPULATED.

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ATTESTATION

Concurrence in the filing of this document has been obtained from the other signatory.

DATED: May 24, 2007

By: /s/ Patrick E. Premo

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DATED: May 24, 2007

By: /s/ Michelle Umberger

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18 SCIENTIFIC AND TARGET THERAPEUTICS, INC.

19 **ORDER**

20 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

21 Dated: May 25, 2007

22 
23 The Honorable James Ware
24 United States District Judge

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